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PTO/SB/25 (09-04)

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 005127.00278

In re Application of: Thomas Foxen, et at.

Application No. 10/767,465

filed: January 28, 2004

For: Article of Footwear Having a Fluid-Filled Bladder with a Reinfording Structure

The owner", NIKE, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/757.211, filed on 1/28/04, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the treatant application and is binding upon the grantee, its successors or assigns.

In making the above discisimer, the owner does not discisim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application, may be shortened by any terminal discisioner filed prior to the grant of any patent on the pending reference application," in the event that any such patent: granted discisioner filed prior to the grant of any patent on the pending reference application," in the event that any such patent: granted discisions are application and the provided prior to the grant of any patent on the pending reference application. on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is relasued, or is in any marinar terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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	agency, etc.), the undersigned is empowered to act on behalf of the business/organization.	

I hereby declare that all statements made harsin of my own knowledge are true and that all statements made on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record. Re	eg. No.	51,255
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5/25/06 Date Byron S. Kuzara Typed or printed name 503-425-6800 Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Docket Number (Optional) 005127.00278

In re Application of: Thomas Foxen, et al.

Application No. 10/767,485 Filed: January 28, 2004

For: Article of Footwear Having a Fluid-Filled Bladder with a Reinforcing Structure

The owner*, NIKE, Inc., of 100 percent interest in the instant application hereby discisions, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/767.212, filed on 1/28/04, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any terminal on the instant application shall be extended by the part of the prior to the grant of any patent on the product on the instant application shall be extended by the for any terminal collection and the instant application shall be extended to the first and terminal collection. patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application, in the event that: any such patent granted on the pending reference application; expires for failure to pay a maintenance see, to held unemforceable, is found invalid by a court of competent jurisdiction, is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims considered by a recommination contribute to responsibilities to responsibilities to responsibilities to responsibilities as the contribute of the contribute of the contribute of the statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. 1. 🗆

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilklul false statements and the like so made are puntshable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record. Reg. No. 51,255 2. 🛛

Byron S. Kuzara

Typed or printed name

503-425-8800

Telephone Number

5/25/08 Date

Terminal disclaimer tee under 37 CFR 1.20(d) is included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and automiting the complete application from to the USPTO. Time will vary depending upon the influence to including gathering, preparing, and automiting the complete this form and/or suggestions for reducing this burden, should be sent to influence that any comments on the automit of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Palant and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA22113-1450. 1450.

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In re Application of: Thomas Foxen, et al.

Application No. 10/767,465

Flied: January 28, 2004

For Article of Footwear Having a Fluid-Filled Bladder with a Reinforcing Structure

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2. The undersigned is an attorney of record. Reg. No. 51,255

By 5. Kg 5/25/08
Signature Date

Byron S. Kuzzara

Typed or printed name

509-425-6800

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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